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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,000	09/26/2003	Cindy Scott	06005/39590	7667

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EXAMINER

LE, JOHN H

ART UNIT PAPER NUMBER

2863

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,000

Applicant(s)

SCOTT ET AL.

Examiner

John H Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1,18-21,24,36,37,40,47 and 48 is/are rejected.
- 7) ☐ Claim(s) 2-17,22,23,25-35,38,39,41-46 and 49-52 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/26/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Sederlund et al. (USP 6,647,301).

Regarding claim 1, Sederlund et al. teach a diagnostic system (e.g. Col.21, lines 19-32) for use in a process plant having a process control system that performs manufacturing related control functions with respect to the process plant and a safety system that performs safety related control functions with respect to the process plant (e.g. Col.17, lines 32-59), comprising: a computer having a processor and a memory; a process control system controller communicatively coupled to the computer and adapted to perform process control functionality using one or more process control field devices (Fig.3A); a safety system controller communicatively coupled to the computer and adapted to perform safety system functionality using one or more safety system field devices (e.g. Col.22, lines 30-51); and a diagnostic application stored on the memory of the computer and adapted to be executed on the processor to enable

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one or more users to perform a diagnostic activity with respect both the process control system and the safety system (e.g. Col.74, lines 39-63, Col.85, lines 15-34), the diagnostic application including a communication routine adapted to communicate process control system messages to or from the process control system controller and to communicate safety system messages to or from the safety controller (Col.60, lines 65), wherein the process control system messages and the safety system messages use a common communication format including a field that distinguishes the process control system messages from the safety system messages (Fig.1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-21, 24, 36-37, 40 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sederlund et al. (USP 6,647,301) in view of Bennett et al. (USP 6,775,707).

Regarding claims 18-20 and 36, Sederlund et al. discussed supra, disclose the claimed invention except the alarm display system comprising an alarm application stored on the memory and a routine that displays the process control system alarms and the safety system alarms to one or more users on the

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display in a manner that distinguishes the process control system alarms from the safety system alarms.

Bennett et al. teach the alarm display system comprising an alarm application stored on the memory (Col.21, line 66-Col.22, line 4) and a routine that displays the process control system alarms and the safety system alarms to one or more users on the display in a manner that distinguishes the process control system alarms from the safety system alarms (e.g. Col.19, lines 26-47).

Regarding claims 21 and 37, Bennett et al. teach the alarm display application includes a routine that determines a priority associated with each of the process control system alarms and the safety system alarms (Col.20, lines 39-55).

Regarding claims 24 and 40, Bennett et al. teach the alarm display application includes an alarm response routine adapted to enable both the process control system alarms and the safety system alarms to be acknowledged via the display (e.g. Col.18, lines 11-31).

Regarding claim 47, Bennett et al. teach the receiving the process control system messages includes receiving the process control system messages in a first message format and wherein receiving the safety system messages includes receiving the safety system messages in the first message format (e.g. Col.12, lines 34-39).

Regarding claim 48, Bennett et al. teach the first message format includes a field that distinguishes the process control system messages from the safety system messages (e.g. Col.12, lines 34-62).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an alarm application stored on the memory and a routine that displays the process control system alarms and the safety system alarms to one or more users as taught by Bennett et al. in a diagnostic system of Sederlund et al. for the purpose of providing an application client process and an application server process may be associated with processing alarm information and some of the alarm information may be prioritized prior to transmission of the alarm information (Bennett et al., Col.4, lines 54-64).

Allowable Subject Matter

5. Claims 2-17, 22-23, 25-35, 38-39, 41-46, 49-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John H Le whose telephone number is 571-272-2275. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John H. Le

Patent Examiner-Group 2863

January 3, 2005



John Barlow
Supervisory Patent Examiner
Technology Center 2800